

### **REMARKS/ARGUMENTS**

In response to the Office action mailed February 9, 2004, applicant would bring to the attention of the Examiner the Declaration of James F. Benenati, M.D. (with attachments), filed with this application. For the Examiner's convenience a copy of the Benenati Declaration is attached hereto.

The Benenati Declaration considers the disclosure of the second application in the series that resulted in the present application (the application that resulted in U.S. Patent 5,304,131). See footnote 1 of Benenati Declaration.

The Benenati Declaration points out the declarant's qualifications to testify concerning the knowledge of one of ordinary skill in the art, including Dr. Benenati's experience as a radiologist, his education as a radiologist, and his teaching and supervisory experience as a radiologist. See para. 1 of Benenati Declaration.

Paragraph 2 of the the Benenati Declaration points out the following procedures found in the second Paskar application, namely:

Selective cerebral artery catheterization procedures

Selective visceral artery catheterization procedures

Selective intracerebral artery catheterization procedures

Selective arterial angioplasty catheterization procedures

Selective venous catheterization procedures

Percutaneous cholangiography procedures

Percutaneous nephrostomy procedures

Most of these procedures are also disclosed in the first application of the chain, that which resulted in U.S. Patent 5,290,229. See, e.g., col. 1, lines 16-17 (selective

cerebral and visceral artery catheterization); col. 3, line 48 (selective arterial catheterization); col. 3, line 52 (percutaneous cholangiography); col. 3, line 53 (percutaneous nephrostomy).

In paragraph 3 of the Benenati Declaration, he testifies that any one of any skill trained in these procedures would know that they are performed under fluoroscopic examination.

In paragraph 4 of the Benenati Declaration, he testifies that the disclosure inherently discloses to one having at least ordinary skill in the art that these procedures are performed under fluoroscopic examination.

Moreover, the Exhibits A-R filed with the application (and with the Benenati Declaration) make clear that (1) these procedures are performed under fluoroscopic examination and (2) that fluoroscopic examination is a form of imaging.

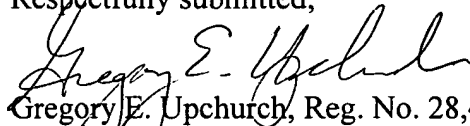
For the Examiner's convenience, additional copies of Exhibits A-R are also attached hereto.

All the evidence of record, therefore, shows that one of ordinary skill in the art would understand that all the applications from which the present application depends disclose the use of imaging. The objection/inquiry based upon lack of such disclosure is, therefore, overcome and should be withdrawn.

In view of the above, favorable reconsideration and a Notice of Allowability of claims 1-14, 20-34, 48, 49 and 52-67 (all the claims remaining in the case) is solicited.

Appl. No. 09/931,562  
Letter dated April 5, 2004  
Reply to Office Action of February 9, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory E. Upchurch". The signature is fluid and cursive, with the first name "Gregory" being more prominent.

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